IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6916 of 2004

Between:

Immaneni Ramarao, s/o I.S.V.Rao,
Occ:Advocate, r/o 6-1-306/1, Venkatapuram Colony, Padmarao Nagar, Secunderabad-25.

..... PETITIONER

AND

1 State of A.P., represented by Prl.Secretary State A.P.Secretariat, Hyderabad.
2 Secretary of Medical and Health, State of A.P., A.P.,Secretariat, Hyderabad.
3 Director of Medical and Health, State of A.P., A.P., Secretariat, Hyderabad.
4 District Collector, District Nalgonda.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus in considering the empathetic situation of the inhabitants of Yerragandala Palli Village, Marriguda Mandal, Nalgonda District direct the respondents to conduct a fresh survey forsaking the previous chariatans statistics displayed on the official website and an official document too, and which is a joint belonging of respondents Nos.1 to 3 which is a clear violation of Articles 21 and 47 of Constitution of India, and in pending disposal of this P.I.L. in the interest of citizen inhabitants of Yeragandla Palli Village, Marriguda, Nalgonda District. Further direct the respondents to provide free medical treatment and monetary benefits to 22 list mentioned children and other suffering with concomitant disabilities and to people who are further rectified suffering with the

same whether, it be by way of surgery or by way of calipers and shoes and pay relevant compensation as Honourable Court directs feasible in the interest of Yergandla Palli Village Marriguda Mandal, Nalgonda District and in the interest of citizen inhabitants.

Counsel for the Petitioner: Mr. I. Rama Rao, PARTY-IN-PERSON

Counsel for the Respondent Nos.1 to 4: GP FOR MEDICAL HEALTH & FAMILY WELFARE

The Court made the following :

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION No.6916 of 2004

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ORAL ORDER: (per Sri Devinder Gupta, CJ)

Mr. Immaneni Ramarao, R/o. Venkatapuram Colony, Padmaraonagar, Secunderabad has filed this petition as “Public Interest Litigation” and states that he is an adventitious visitor of Yerragandalapalli Village, Marriguda Mandal located in Nalgonda District.

On few visits, he noticed that almost all inhabitants of the said village were suffering with a peculiar disease known as “Flurosis”, which is caused to human beings by consumption of water, which contained excessive amount of fluoride. He seems to have made further probe and found out the empathetic situation of the inhabitants of Marriguda Village and had interaction with the women and children who were suffering with Endemic Flurosis. Petitioner also furnished the details of such persons with whom he interacted and sought direction against the respondents to conduct a fresh survey and obtain statistics regarding disabled and handicapped persons and to take appropriate measures for giving adequate relief to those who

were suffering with the peculiar disease.

On 12.4.2004, notice was directed to be issued to respondents and respondent No.3 was called upon to file a detailed report with respect to the allegations made in the writ petition, the steps taken to identify the disease, the remedial measures, if any taken or to be taken to give relief to the suffering and affected persons.

Counter affidavit was filed by respondent No.3 and in view of the contents of the affidavit, we called upon the 4th respondent to submit his report. The District Collector, Nalgonda has thus filed a detailed affidavit on 13.9.2004. In the affidavit of the District and Medical Health Officer, Nalgonda, reference has been made to the latest report, as a result of the fresh survey conducted to trace out the affected persons, which identified that around 168 persons were suffering with skeletal fluorosis alone, 52 with dental and 142 with both dental and skeletal fluorosis. The affidavit also gave solution to the problem that it can be approached in three ways by treatment, prevention and compensation. It states that keeping in view the recommendation made by the Medical Specialists in addition to taking health education activities, a note was submitted for orders to District Collector for consideration on the following points.

> "1. The E.E., RWS Nalgonda may be addressed with regard to steps taken in providing safe and fluroride free water supply in the said village.
>
> 2. If not feasible Fluroride filters shall be provided to all households of the village, particularly affected persons as per survey list, to control the disease.
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> 3. To refer the cases which need Surgical corrections to the Osmonia General Hospital, Hyderabad, at the expenses of Government.
>
> 4. To provide Calipers/shoes to the needy people on free of cost."

The District Collector, Nalgonda has highlighted the fact that as per the orders passed earlier in Writ Petition No. 7021 of 2000, an Expert Committee was constituted by the Government to study the problem of Flurousis in Nalgonda District. It conducted a detailed study and made recommendations and as per the

recommendation of the Expert Committee, Domestic defluoridation filters were distributed to 11,131 families in 15 fluoride affected mandals of Nalgonda District. In addition to this, 104 roof water harvesting structures were provided in eight mandals where the fluoride levels are found to be more than 3.00 ppm.

The affidavit further says that fresh survey was conducted and it has been assured that the Government will take care by providing necessary medical aid, surgery and calipers if required to all these 21 individuals who are available in the village, as per the statement submitted by the petitioner.

Collector further states that survey has already been conducted during April, 2004 and it identified the fluorosis persons and regular check-ups are being taken up for providing relief. Further as regards permanent solution to the fluorosis disease, all possible steps are being taken up and by the end of December, 2004, all the affected villages in the District will be provided free-fluoride water. Further with regard to the 22 individuals of Yerragandlapally Village who were identified by the petitioner, necessary action has been initiated by instructing the District Medical authorities to provide necessary treatment and surgery by treating them in the District and by taking them to Hyderabad, if necessary. The Collector also assured that all the affected persons will be treated soon.

From the affidavit of Collector, it is evident that the State Government during the last one and half decade has spent substantial amounts in Nalgonda District under various schemes. From the affidavit in reply, there is no manner of doubt that the Government is aware of the problem and both the Medical Department as well as the Collectorate have taken adequate steps for identifying the persons suffering from the disease and taking adequate steps as recommended by the Medical and Health Department to prevent the disease.

In view of the averments made in the affidavits in reply, it will not be appropriate for us in this writ petition to issue any further directions. However, one factor which is a cause of concern is that there is no treatment for the said disease. Some steps can be undertaken by the State Government, may be, by approaching the Director General of Health Services to ensure systematic study of finding out the treatment for the disease, if it can be found out by any such study. The District Medical and Health Officer has in the affidavit stated that no drugs are available for treatment to the disease, namely, Skeletol Fluorosis or dental flurosis, except,

undertaking certain preventive measures for which recommendations have been made to relieve the existing symptoms of the patients by giving non-steroid and inflammatory drugs, which have their own side effects. Even non-steroid and inflammatory drugs cannot be administered on long term basis, since, these may result in abnormalities in Kidney functions.

As such, it is high time that some research work is promoted to find out if any other drugs are available, which may not have any side effects so as to treat the persons suffering from the disease of flurosis.

With these observations, the writ petition is disposed of. No costs.

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DEVINDER GUPTA, CJ

Date: 7th October, 2004

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C.V.RAMULU,J

Note:Copy of this Order be supplied to the petitioner

(B/o) Pnb

To

1. The Principal Secretary, State of A.P., Secretariat, Hyderabad.
2. The Secretary of Medical and Health, State of A.P., A.P.,Secretariat, Hyderabad.
3. The Director of Medical and Health, State of A.P., A.P., Secretariat, Hyderabad.
4. The District Collector, District Nalgonda.

5. Two C.Cs. to the Government Pleader for Medical & Health, High Court Buildings, Hyderabad (OUT).

6. Copy to: Mr. Immaneni Rama Rao, S/o. I.S.V. Rao, Advocate, R/o. 6-1-306/1, Venkatapuram Colony, Padmaraonagar, Secunderabad-500025.

7. The Special Officer, Public Interest Litigation cell, High Court Buildings, Hyderabad.

8. The Secretary, A.P. State Legal Aid and Advisory Board, High Court Buildings, Hyderabad.

9. The Secretary to the Government fo A.P., Home Department, Secretariat, Hyderabad.

10. Two CD copies